

**Changes and extensions of existing activities,
Armenia's experience,
Legislative framework, obstacles,
achievements, further improvement**

Legislative framework of Convention and National Legislation

- Aarhus convention
- **Article 6 para. 10**
- 10. Each Party shall ensure that, when a public authority reconsiders or updates the operating conditions for an activity referred to in paragraph 1, the provisions of paragraphs 2 to 9 of this article are applied mutatis mutandis, and where appropriate.
- **Annex I para. 22**
- Any change to or extension of activities, where such a change or extension in itself meets the criteria/thresholds set out in this annex, shall be subject to article 6, paragraph 1 (a) of this Convention. Any other change or extension of activities shall be subject to article 6, paragraph 1 (b) of this Convention.

National Legislative Framework

- **The Law on Environmental Impact Assessment and Expertise, (adopted 21.06.2014)**
- **Article 4 para. 1 point 7 gives the definition of the planned activity**
- planned activity: a study, production, construction, exploitation, reconstruction, extension, technical and technological re-equipment, reprofiling, conservation, relocation, liquidation, closure, which have possible impact on the environment

Government Decision Laying Down the Procedure of Public Notifications and Discussions N1325 (adopted 19.11.2014) regulates public participation in environmental impact assessment and expertise.

- The procedure of public participation in environmental impact assessment and expertise for Changes and extensions are the same as for planned activities

Advantages of current internal legislative framework

- Very wide definition, under which falls practically any reconstruction, extension, technical and technological re-equipment, reprofiling.
- Such a broad definition, when deciding whether the extension or change is subject to EIA, won't lead to narrow interpretations by state authorities or Courts.

Disadvantages

- Absence of mechanism to decide preliminary, which kind of extensions or changes have impact on environment and which do not. As a result, almost all changes and extensions fall under EIA procedure.

Enforcement mechanism

Article 21 para. 2 of the Law on Environmental Impact Assessment and Expertise defines.

- The positive expertise conclusion is repealed by the State Authority, if:
 - 1) The activity, which has passed expertise procedure, is being carried out in non-compliance with project documents (extensions and changes are included),
 - 2) changes, without notifying State Authority, have been made in project documents (for environmental impact assessment) or in fundamental documents (for strategic environmental impact assessment), which have passed expertise procedure.

Responsibility

- The Code of Administrative Offences defines penalty for:
- 1) activities, which are carried out without expertise conclusion,
- 2) not submitting the project documents to EIA, after being fined
- (Second point is subject to improvement. For example, constructions with area more than 1500m² are subject to EIA, in this case the sense of environmental impact assessment after construction is arguable.)

And what after fining?

- Finally, Environmental State Inspectorate is eligible to ban the activity, which has not passed environmental impact assessment and expertise procedure.

Further Improvement

- A draft Law amending the Law on EIA and expertise is being elaborated.
- All problems, obstacles deriving from application of the Law (including the regulatory framework of extensions and changes) will be studied and regulated.
- The conclusions of Compliance Committee will also be discussed and taken into consideration.
- The draft Law will also be discussed with the public concerned.

THANK YOU